

FIFTH DAY

(Tuesday, January 17, 1939)

The House met at 9:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Gordon, Mrs.
Allen	Hale
Allison	Hamilton
Alsup	Hankamer
Anderson	Hardeman
Bailey	Hardin
Baker	Harp
of Fort Bend	Harper
Baker of Grayson	Harrell of Bastrop
Bell	Harrell of Lamar
Blankenship	Harris
Bond	Hartzog
Boyd	Heflin
Boyer	Holland
Bradbury	Howard
Bradford	Howington
Bray	Hull
Bridgers	Hunt
Broadfoot	Isaacks
Brown of Cherokee	Johnson of Ellis
Brown	Johnson of Tarrant
of Nacogdoches	Keith
Bundy	Kennedy
Burkett	Kern
Burney	Kerr
Cauthorn	Kersey
Celaya	Kinard
Chambers	King
Clark	Langdon
Cleveland	Lehman
Cockrell	Leonard
Coleman	Leyendecker
Colquitt	Little
Colson, Mrs.	Lock
Cornett	Loggins
Corry	London
Crossley	Mays
Daniel	McAlister
Davis of Jasper	McDaniel
Davis of Upshur	McDonald
Dean	McMurry
Derden	McNamara
Dickison	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Dwyer	Newell
Faulkner	Nicholson
Felty	Oliver
Ferguson	Olsen
Fielden	Pace
Fuchs	Petsch
Galbreath	Pevehouse
Gilmer	Piner
Goodman	

Reader of Erath	Stoll
Reaves	Talbert
Reed	Tarwater
Rhodes	Taylor
Riviere	Tennant
Roach	Thornberry
Roberts	Thornton
Robinson	Turner
Russell	Vale
Schuenemann	Vint
Segrist	Voigt
Shell	Waggoner
Skiles	Weldon
Smith of Frio	Wells
Smith of Hopkins	Westbrook
Smith	White
of Matagorda	Wilson
Spencer	Winfree
Stinson	Wright

Absent—Excused

McFarland	Reader of Bexar
Pope	Wood
Ragsdale	Worley

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Reader of Bexar for today, on motion of Mr. Anderson.

Mr. Worley for today, on motion of Mr. Morris.

Mr. Wood for today, on motion of Mr. Lehman.

Mr. Ragsdale for today, on motion of Mr. London.

The following Member was granted leave of absence on account of illness:

Mr. Pope for today, on motion of Mr. Boyd.

MESSAGE FROM THE SENATE

Austin, Texas, January 17, 1939.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 47, A bill to be entitled "An Act validating the creation of and certain proceedings, notices and orders relative to the creation of and issuance of bonds by Harris County

Drainage District No. 14, and declaring an emergency."

H. B. No. 3, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery, Polk County and San Jacinto County, Texas, etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolutions:

H. C. R. No. 9, Providing for a Joint Session for the purpose of inaugurating Governor and Lieutenant Governor.

S. C. R. No. 3, Inviting Rev. M. E. Sadler to deliver the invocation at the Joint Session for the purpose of inaugurating the Governor and Lieutenant Governor.

S. C. R. No. 2, Providing for committee to count votes cast for Governor and Lieutenant Governor.

H. B. No. 3, "An Act creating the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties; providing for the transfer of cases from the Ninth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Ninth Judicial District; providing for the appointment of an Assistant District Attorney, to prosecute cases in said Court, making an appropriation for his salary; providing for the District Clerks of Montgomery County, Polk County and San Jacinto County and their successors in office to be the clerks for the said Special Ninth District Court in their respective counties; providing a seal for said Special Ninth District Court; and to change and prescribe the time for holding District Court of the Ninth Judicial District of the State of Texas; and to conform all writs and

processes of such Court to such changes, and to make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of Court in the several counties in said District, as herein fixed, and to validate the summoning of grand and petit jurors and juries; and providing for the continuation of Court in session in said District when this Act takes effect, to the end of its term; repealing all laws or parts of laws in conflict herewith; providing that if any Section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining Sections or provisions, and declaring an emergency."

INAUGURATION OF GOVERNOR AND LIEUTENANT GOVERNOR

(In Joint Session)

At the hour of 9:15 o'clock a. m., fixed by concurrent action of the two Houses for the Senate and House of Representatives to meet in Joint Session for the purpose of inaugurating the Governor-elect and the Lieutenant Governor-elect, the Honorable Senators escorted by the Sergeant-at-Arms of the Senate, A. W. Holt, and the Secretary of the Senate, Honorable Bob Barker, were announced at the bar of the House and being admitted advanced into the Hall, and by direction of the Chair occupied seats prepared for them.

Senator Weaver Moore, President Pro Tempore of the Senate was escorted to a seat on the Speaker's stand on the right of the Speaker.

Senator Weaver Moore called the Senate to order.

The roll of the Senate was called, and the following Senators were present:

Aiken	Lemens
Beck	Martin
Brownlee	Metcalfe
Burns	Moffett
Collie	Moore
Cotten	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone of Galveston

Stone
of Washington
Sulak

Van Zandt
Weinert
Winfield

A quorum of the Senate was announced present.

Honorable R. E. Morse, Speaker of the House of Representatives, called the House to order.

The Speaker announced a quorum of the House present.

Honorable R. E. Morse, Speaker of the House of Representatives, stated that the two Houses were in Joint Session for the purpose of inaugurating the Governor and the Lieutenant Governor elects, and announced that the two Houses, in Joint Session, with the official members of the Inauguration Committee of both Houses, would now retire in a body to the Memorial Stadium of The University of Texas for the purpose of holding the inauguration ceremonies.

The House and Senate, in Joint Session, then proceeded in a body to the Memorial Stadium of The University of Texas, and were escorted to seats as follows: The Members of the Senate of the State of Texas were escorted to seats on the right of the Reviewing Stand, erected for the purpose of the inauguration at the south entrance of the Stadium. The Members of the House of Representatives were escorted to seats on the left of the Reviewing Stand.

The following members of the Official Party were escorted to seats on the Reviewing Stand: Honorable W. Lee O'Daniel, Governor-elect, and family, Honorable James V. Allred and Mrs. Allred, Honorable Coke R. Stevenson, Lieutenant Governor-elect, and Mrs. Stevenson, and family, Honorable Walter F. Woodul, the retiring Lieutenant Governor, and family, Honorable R. E. Morse, Speaker of the House of Representatives, and Mrs. Morse and family, Honorable Weaver Moore, President Pro Tempore of the Senate, Senators Brownlee, Roberts, Hardin and Martin, Committee on the part of the Senate, and Messrs. Leonard, Johnson of Tarrant, Alsup, Thornberry and Boyd, Committee on the part of the House, Honorable C. M. Cureton, Chief Justice of the Supreme Court, Judge F. L. Hawkins, Justice of the Court of Criminal Appeals, Dr. M. E. Sadler, Pastor of the Central Christian Church of Austin, the Honorable Pat

M. Neff, Honorable Dan Moody, and Mrs. Moody, Honorable Ross Sterling and Mrs. Sterling, Honorable William P. Hobby and Mrs. Hobby, Honorable James E. Ferguson, Generals Brees, Birkhead, Pryon, and Nesbitt, and Mr. Axel Philquist, Clerk of the Supreme Court of Texas.

During the hours of 10:00 o'clock a. m., to 12:00 o'clock m., the following program was rendered:

(1) Parade of Military, University and College bands in front of Reviewing Stand.

(2) "Overture", by the Longhorn Band of the University of Texas.

(3) Presentation of Pageant, "The American Way of Life."

(4) "Texas, Our Texas," sung by chorus of school children.

(5) "The Eyes of Texas," sung by chorus of school children.

At the conclusion of the program rendered for the Joint Session, and the assemblage, the Ross Volunteers of A. & M. College formed a lane, crossing swords, through which the members of the Official Party marched from the Reviewing Stand to a stage, erected at the south end of the Stadium, directly in front of the Reviewing Stand, and there occupied seats prepared for them.

Honorable R. E. Morse, Speaker of the House of Representatives, stated that the two Houses were in Joint Session for the purpose of inaugurating the Governor-elect and the Lieutenant Governor-elect.

The Rev. M. E. Sadler, Pastor of the Central Christian Church of Austin, delivered the invocation.

The Lieutenant Governor-elect, the Honorable Coke R. Stevenson, then came forward and took the Constitutional Oath of Office, which was administered by Justice F. L. Hawkins, of the Court of Criminal Appeals, and he also affixed his signature to the Official Oath, Justice Hawkins attesting same with the Great Seal of the Commonwealth of Texas.

Senator Weaver Moore, President Pro Tempore of the Senate, presented Honorable Walter F. Woodul, who in turn introduced Lieutenant Governor Coke R. Stevenson to the Joint Session and the assemblage.

Mr. Stevenson then addressed the Joint Session and the assemblage.

The Governor-elect, Honorable W. Lee O'Daniel, then came forward and took the Constitutional Oath of Office, which was administered by Chief Justice C. M. Cureton, of the Texas Supreme Court, and he also affixed his signature to the Official Oath, Justice Cureton attesting same with the Great Seal of the Commonwealth of Texas.

Honorable R. E. Morse presented Honorable James V. Allred, who introduced Honorable W. Lee O'Daniel, Governor.

Governor O'Daniel then addressed the Joint Session and the assemblage.

At the conclusion of the address, upon request of Governor W. Lee O'Daniel, the Joint Session and the assemblage joined in singing "Our Beautiful Texas".

Honorable R. E. Morse, Speaker, announced that the Joint Session was concluded, and the Members of the House of Representatives retired to the House Chamber.

Honorable Weaver Moore, President Pro Tempore of the Senate, announced that the Joint Session was concluded, and the Members of the Senate of the State of Texas retired to the Senate Chamber.

ADJOURNMENT

Mr. Leonard moved that at the conclusion of the Joint Session, and the ceremonies, the House stand adjourned until 1:45 o'clock p. m., tomorrow.

The motion prevailed.

The House, accordingly at 1:00 p. m., adjourned until 1:45 o'clock p. m., tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, January 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 2, A bill to be entitled "An Act amending Art. 1901 of the

Revised Civil Statutes of 1925 pertaining to the custody and care of records, excepting certain counties, and providing specific provisions for the removal of records under certain conditions; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Acting Chairman.

Austin, Texas, January 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 3, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Acting Chairman.

Austin, Texas, January 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 9, Providing for a Joint Session of the House and Senate for the purpose of inaugurating Hon. W. Lee O'Daniel and Hon. Coke R. Stevenson as Governor and Lieutenant Governors, respectively, of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Acting Chairman.

Austin, Texas, January 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 13, Providing for a Joint Session of the House and Senate at 2 o'clock, Wednesday afternoon, January 18th, for the purpose of hearing the message of His Excellency, the Hon. W. Lee O'Daniel, Governor of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Acting Chairman.

Austin, Texas, January 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 14, Regarding the employment of both man and wife of the same family in State Departments.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Acting Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, January 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 3, "An Act creating the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas; prescribing its jurisdiction; limiting its existence; fixing its terms; providing for the appointment of a Judge thereof; fixing his compensation; making an appropriation for the same; prescribing his powers and duties; providing for the transfer of cases from the Ninth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Ninth Judicial District; providing for the appointment of an Assistant District Attorney, to prosecute cases in said Court; making an appropriation for his salary; providing for the District Clerks of Montgomery County, Polk County, and San Jacinto County and their successors in office to be the Clerks for the said Special Ninth District Court in their respective counties; providing a seal for said Special Ninth District Court; and to change and prescribe the time for holding District Court of the Ninth Judicial District of the State of Texas; and to conform all writs and processes of such Court to such changes; and to make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of Court in the several counties in said District, as herein fixed; and to validate the summoning of grand and petit jurors and juries; and providing for the continuation of

Court in session in said District when this Act takes effect, to the end of its term; repealing all laws or parts of laws in conflict herewith; providing that if any Section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining Sections or provisions; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

LINDLEY, Acting Chairman.

Austin, Texas, January 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 9, Providing for a Joint Session for the purpose of inaugurating Hon. W. Lee O'Daniel as Governor of Texas, and Hon. Coke R. Stevenson as Lieutenant Governor for the ensuing period of two years.

Has carefully compared same and finds it correctly enrolled.

LINDLEY, Acting Chairman.

SIXTH DAY

(Wednesday, January 18, 1939)

The House met at 1:45 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Burkett
Allen	Burney
Allison	Cauthorn
Alsup	Celaya
Anderson	Chambers
Bailey	Clark
Baker	Cleveland
of Fort Bend	Cockrell
Baker of Grayson	Coleman
Bell	Colquitt
Blankenship	Colson, Mrs.
Bond	Cornett
Boyd	Corry
Boyer	Crossley
Bradbury	Daniel
Bradford	Davis of Jasper
Bray	Davis of Upshur
Bridgers	Dean
Broadfoot	Derden
Brown of Cherokee	Dickison
Brown	Dickson
of Nacogdoches	Donaghey
Bundy	Dowell